

U.S. EPA

CERCLA SECTION 104(e)

INFORMATION REQUEST

Respondent: Representative of Odessa Union Warehouse Co-op

Site: Odessa Biodiesel Site

206 West Railroad Avenue, Odessa, Lincoln County, Washington

Lincoln County Parcels: 0500-000-010000 and 0501-000-000000

Date: Respondent's first involvement at the Site to present

Please note: This Information Request includes instructions for responding to this request and definitions of words such as "Respondent," "Site," and "identify" used in the questions.

INFORMATION REQUEST QUESTIONS

1. Respondent Information

Note: As per clarification from EPA Region 10 as to manner of response requested, Odessa Union Warehouse Co-op is responding to this questionnaire as "Respondent". Odessa Union Warehouse Co-op also has received a second Information Request. In it, questions concerning "Respondent" will be answered as appropriate with information known to Odessa Union Warehouse Co-op about Inland Empire Oilseeds, LLC.

a. Provide the full legal name and mailing address of the Respondent.

Response:

Odessa Union Warehouse Co-op
2 North Division Street
Odessa, WA 99159

b. For each person answering these questions on behalf of Respondent, provide:

- i. full name;
- ii. title;
- iii. business address;
- iv. business telephone number; and
- v. e-mail address.

Response:

Keith Bailey, General Manager of Odessa Union Warehouse Co-op
2 North Division Street
Odessa, WA 99159



509-982-2691

keith@agventuresnw.com

John R. Zeimantz
Feltman Ewing, P.S.
421 W. Riverside Ave. Ste. 1600
Spokane, WA 99201
509-838-6800
johnz@feltmanewing.com

- c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, and fax number.

Response:

John R. Zeimantz
Feltman Ewing, P.S.
421 W. Riverside Ave. Ste. 1600
Spokane, WA 99201
509-838-6800
johnz@feltmanewing.com

- d. State the dates during which Respondent held any property interests at or within one-half mile of the Site.

Response: Odessa Union Warehouse Co-op (hereafter "OUW") was the owner of the land upon which the biodiesel refinery was built (Lincoln County Tax Parcel 0500000010000) until that property was deeded by OUW to Inland Empire Oilseeds, LLC (hereafter "IEO") as part of the project in 2007. Deed #2007 -444400, April 5, 2007. IEO then deeded that interest to the Odessa Public Development Authority (hereafter "OPDA") Deed #2007 0444401, April 5, 2007. OUW also deeded additional property to OPDA later in 2010. Deed #2010 0457023, December 23, 2010. OPDA leased the premises back to IEO. Lease of December 6, 2006. The other Lincoln County Tax parcel described at the beginning of this Information Request, (0501000000000) is adjacent property owned by OUW and is not part of the facility. Therefore, it should not be described as part of the "Site".

- e. State the dates during which Respondent conducted any business activity at or within one-half mile of the Site.

Response: Prior to the deed from OUW to IEO in 2007, the property upon which the biodiesel facility was constructed and operated was a warehouse facility for the storage of wheat and barley. After the deed of that property to IEO in 2007, OUW continued to operate its warehouse business on its adjacent property and that use continues through the present day.

- f. Describe the nature of Respondent's business activities at the Site or within one-half mile of the Site.

Response: OUW operated a warehouse business on the property upon which the biodiesel facility was constructed and operated until that property was deeded to IEO in 2007. OUW also operated its warehouse business on adjacent property as it had for years prior to construction and operation of the biodiesel facility.

- g. In relation to your answer to the previous question, identify all materials used or created by your activities at the Site, including raw materials, commercial products, building debris, and other wastes.

Response: OUW did not operate a manufacturing facility. It operated a warehouse business and stored grain, namely wheat and barley at the property upon which the biodiesel facility was constructed and adjacent property.

- h. If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:
- i. the U.S. Bankruptcy Court in which the petition was filed;
 - ii. the docket numbers of such petition;
 - iii. the date the bankruptcy petition was filed;
 - iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and
 - v. a brief description of the current status of the petition.

Response: OUW has not filed for bankruptcy. Assuming IEO is considered a related or associated company, IEO entered bankruptcy proceedings on December 21, 2012 via an involuntary bankruptcy petition filed against it asking for relief under Chapter 11. A competing petition by IEO for a voluntary bankruptcy under Chapter 7 was filed shortly thereafter on December 27, 2012. Proceedings were consolidated into a Chapter 7 proceeding under Case No. 12-05395-PCW 11 by order of the bankruptcy judge on January 29, 2013. The case was fully administered and closed January 6, 2016.

2. Site Activities and Interests

- a. Provide all documents in your possession regarding the ownership or environmental conditions of the Site including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-builts" and photographs. Environmental conditions of the Site includes information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:
- i. Any spill, leak, release, or discharge of a hazardous substance, waste, or material at or near the Site;

- ii. Occurrences of violations, citations, deficiencies, and/or accidents concerning the Site;
- iii. Remediation or removal of contaminated soils, sediments, or other media at the Site; and
- iv. Investigations, inspections, sampling, and reports generated by Respondent and/or others regarding the Site and surrounding area.

Response: Ownership documents are attached. A phase I was conducted by OPDA at the time the property was to be acquired by OPDA but OUW does not have a copy.

- b. Provide information on the condition of the Site when purchased or at the beginning of the relevant time period. Additionally, describe any subsequent improvements, alterations, demolitions, or additions to the physical structures or the Site itself.

Response: As stated, the property upon which the biodiesel facility was constructed and operated had been used by OUW for grain storage as had the adjacent property for many years prior to the deed to IEO and construction and operation of the biodiesel facility. No manufacturing operations were conducted on the property or adjacent property. The only activity was the storage of grains. The biodiesel facility was constructed on the property acquired by OPDA from IEO.

- c. Provide a brief summary of the activities conducted at the Site while under Respondent's ownership or operation. Include process diagrams or flow charts of the industrial activities conducted at the Site.

Response: See prior response. OUW did not conduct manufacturing on either the property upon which the biodiesel facility was constructed nor upon the adjacent property. As stated, OUW used the property for its warehouse business, storing grain.

- e. Provide all documents pertaining to sale, transfer, delivery, and disposal, of any hazardous substances, scrap materials, and/or recyclable materials to this property.

Response: To the best of the knowledge of OUW, there were no such deliveries to the site except chemicals and compounds used by IEO in its biodiesel refining operations and other chemicals and compounds which may have been used by operators after IEO. OUW, to the best of its knowledge has no documents responsive to this request.

- f. Provide all information on electrical equipment used at the Site, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).

Response: Avista provided electrical upgrades to the property at the time the biodiesel facility was constructed. The precise nature of the improvements are known to Avista.

- g. Provide information on the type(s) of oils or fluids used for lubrication of machinery, product fabrication, or other industrial purposes, and any other chemicals or products which are or

may contain hazardous substances which are or were used at the Site for facility operations and/or production at the Site.

Response: To the best of its knowledge, OUW does not have any such information

- h. Provide any site drainage descriptions, plans or maps that include information about storm drainage which includes, but is not limited to, above or below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to sanitary sewer.

Response: To the best of its knowledge, OUW does not have this information.

- i. With respect to past site activities, please provide copies of any storm water or drainage studies, including data from sampling, conducted at the Site. Also provide copies of any Stormwater Pollution Prevention, Maintenance Plans, Spill Plans, and any stormwater, process water, or any other discharge permits that may have been developed or obtained for different operations during the Respondent's occupation of the property.

Response: To the best of its knowledge, OUW does not have any such information except it is aware that the property was connected to the city sewer as part of the construction of the biodiesel facility.

3. Information About Others

- a. Describe any business relationship you may have had regarding this property or operations thereon with the following entities:
 - i. Odessa Union Warehouse Co-Op

Response: Responding party.

- ii. Odessa Public Development Authority

Response: The lessor of the property to IEO.

- iii. Green Star Products, Inc.

Response: This company was the original contractor for construction of the biodiesel refinery equipment and was a member and part owner of IEO.

- iv. Reardan Grain Growers, Inc.

Response: RGG was a member and part owner of IEO.

- v. Reardan Seed Company, Inc.

Response: Reardan Seed Company, Inc. was a member and part owners of IEO.

vi. 1138, LLC

Response: OUW was a member and part owner of IEO when 1138, LLC first became the manager of IEO in 2011 and operated the biodiesel facility. Then later, OUW became a minority member/part owner of IEO when 1138, LLC became the majority owner of IEO in 2012 and continued to operate the biodiesel facility.

- b. Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a brief description of the activities they conducted while operating on the above mentioned Site.

Response: Transmessis Columbia Plateau, LLC is believed to be the last tenant or lessee of the property from OPDA. The precise dates of its tenancy and occupancy of the property are known to OPDA. To the best of OUW's knowledge, Transmessis operated the biodiesel facility after IEO ceased business and vacated the premises sometime in 2012 or 2013. The IEO bankruptcy was converted to a Chapter 7 in January 2013 so it would not have been able to operate the biodiesel facility after that point. The assets of IEO were disposed of in its bankruptcy, including any property and equipment in the biodiesel facility as well as any rights as tenant or lessee of OPDA. From that point forward OPDA had complete and exclusive control of the facility until it leased it to Transmessis.

- c. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous materials to or from, the Site.

Response: Employees and agents of the entities described in 3. a. above and the following individuals may have knowledge:

- Danielle Scrupps, former IEO employee
(b) (6)
Ritzville, WA 99169
(b) (6)
- Pearson Burke, former IEO & 1138 employee
(b) (6)
- (b) (6) former IEO & 1138 employee
(b) (6) home
(b) (6) cell
- Steve Starr, former IEO & 1138 employee
(b) (6) cell
- Aldo Bellotti, former IEO & 1138 employee
(b) (6) cell

4. Financial Information

- a. Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2012, 2013, 2014, 2015 and 2016. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.

Response: Will produce. See attached.

- b. Provide the Respondent's financial interest in, control of, or that the Respondent is a beneficiary of any assets (in the U.S. or in another country) that have not been identified in your federal tax returns or other financial information to be presented to EPA. If there are such assets, please identify each asset by type of asset, estimated value, and location.

Response: None that Respondent is aware of.

- c. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:
- i. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;
 - ii. the dates such relationship existed;
 - iii. the percentage of ownership of Respondent that is held by such other entity(ies);
 - iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;
 - v. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at the Site; and
 - vi. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

Response: OUW has not been a subsidiary nor has it been owned or controlled by any other entity. What is meant by "affiliated" is not defined. OUW does not believe it had a relationship of affiliation as the term is intended in the question, with any other company or entity with regard to the biodiesel facility. OUW has had business relationships with other companies with respect to its warehouse business that have no relationship to the biodiesel facility or its operation. The only companies with which it had relationship with respect to the biodiesel facility, are the other member owners of IEO previously listed at 3. a of this Information Request. There is also the limited liability company, Ag Ventures NW, LLC which was

formed by OUW and Reardan Grain Growers, Inc. and jointly owned by them to co-manage their warehouse operations. Ag Ventures NW, LLC did not own any interest in IEO nor did it exercise control over operations. OUW did not control daily operations at the property after deeding it to IEO in 2007. As stated above, prior to that time, the property and adjacent property was used for the warehouse business of OUW. IEO controlled daily operations while it was actively conducting business. Business operations of IEO ended with the IEO bankruptcy.

5. Insurance Coverage

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the Site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies which could be applicable to costs of environmental investigation and/or cleanup, and include the years such policies were in effect.

Response: This request is not qualified by any reasonable time period nor type of policy requested. Further, the environmental action taken that is the subject of this Information Request was on property not owned or controlled by OUW. OUW has been in existence since 1909 conducting a warehouse business and has had numerous policies of insurance of various types. OUW has no policies with reference to the property upon which the biodiesel facility was constructed and operated after deeding it to IEO. OUW does have policies on its adjacent property but none would provide coverage for environmental costs associated with the biodiesel facility property as it was not owned or operated by OUW at the relevant time. Subject to these objections, OUW is providing copies of policies from 2012 which is well in advance of the date that Transmessis is believed to have commenced its operations on the OPDA's adjacent property.

- b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:
 - i. the name and address of each insurer and of the insured;
 - ii. the type of policy and policy numbers;
 - iii. the per occurrence policy limits of each policy; and
 - iv. the effective dates for each policy.

Response: Please see preceding response and objection and copies produced. No reasonable time period is identified in this question, nor type of policy.

- c. Identify all insurance brokers or agents who placed insurance for the Respondent at any time during the period being investigated, as identified at the beginning of this request, and identify the time period during which such broker or agent acted in this regard.

Response: This request is not qualified by a reasonable time period nor type of insurance. OUW has made no claim on any policy in connection with the property upon which the biodiesel facility was constructed and operated either before that construction and operation or after. OUW has made various claims over the years for different matters on its adjacent properties. None of those claims were environmental in nature. Subject to the foregoing objection the brokers who placed insurance for OUW since 2012 are:

- Josh Tyndell, CPCU, AAI, ARM
- Partner| BK-JET Group, LLC
 - BK-JET Insurance Solutions LLC (CA); License #0K83281
 - 999 W. Riverside Ave., Ste 510| Spokane, WA 99201
 - T (509) 319-2904| M (509) 919-1001
 - jtyndell@bkjet.com

Josh Tyndell, CPCU, AAI, ARM
Vice President
Danielle Carroll, Account Executive
Wells Fargo Insurance Services USA, Inc.
W. 601 Main Avenue, Suite 1400
Spokane, WA 99201
(509) 358-3800
Fax: (509) 358-3937

- d. Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the Site. Include any responses from the insurer with respect to any claims.

Response: This request is not qualified by a reasonable time period nor type of insurance. OUW has made no claim on any policy in connection with the property upon which the biodiesel facility was constructed and operated either before that construction and operation or after. OUW has made various claims over the years for different matters on its adjacent properties. None of those claims were environmental in nature.

- e. Identify any previous settlements with any insurer in connection with the Site, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by the Respondent or insurer.

Response: None

- f. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.

Response: This request is not qualified by any reasonable time period, type of record requested nor type of insurance. The policies produced provide the requested information. OUW's insurance accounts since 2012 have been with the following:

Wells Fargo—2012 to 2014 (the brokerage used by OUW which closed) (address and contact information in response to 5 c. above.)

Bk-Jet Insurance---2014 to Present (address and contact information in response to 5 c. above.)

g. Identify Respondent's policy with respect to document retention.

Response: OUW does not have a formal policy but uses the attached as a guideline.

6. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:
- i. the name and current job title of all individuals consulted;
 - ii. the location where all documents reviewed are currently kept.

Response: Keith Bailey and John R. Zeimantz and business records of OUW in Odessa, Washington and client records of OUW maintained by John R. Zeimantz.

INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject the Respondent to the penalties set out in the cover letter.
2. Response Format and Copies. Provide the responses to this Information Request and. At least one copy of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive. Additionally, please clearly identify and segregate any information you determine to be Confidential Business Information (CBI).

If providing your response electronically, it must be submitted on a compact disc in . Portable Document Format (PDF) and comply with the following requirements:

- a. CBI and personal privacy information should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled and physically separated from the other response information in EPA's files.
 - b. The declaration must be provided in hard copy with an original signature.
 - c. All documents originally smaller than **11** by 17 inches can be submitted electronically; any documents originally larger than **11** by 17 inches must be submitted in hard copy.
 - d. Electronic PDF files cannot be submitted in Adobe Acrobat versions above 6 (or above PDF format version 1.5 if not using Adobe).
 - e. Electronic PDF files must be text-searchable.
 - f. The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
 4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.

5. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
6. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Title 40 of the Code of Federal Regulations (C.F.R.) Section 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.**
7. Disclosure to EPA Contractor. Information submitted in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's intended disclosure within 14 days of receiving this Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personal Privacy Information". Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
9. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
10. Privilege. If a privilege is asserted for any document responsive to this Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. **Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.**
11. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements, in your response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, or Title 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "Respondent" shall mean the addressee of this Request, together with the addressee's agents, employees, and contractors.
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders; management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document;
 - b. any film, photograph, or sound recording on any type of device;
 - c. any blueprints or drawings;
 - d. attachments to, or enclosures with, any document.
3. The term "identify" means, with respect to a natural person; to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

5. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
6. The term "material" or "materials" shall mean any and all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind.
7. The "period being investigated" and "the relevant time period" shall mean the date of Respondent's first involvement at the Site to present.
8. The term "property" shall mean any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental, and mineral rights.
9. The "Site" shall mean any or all property or area described as or near 206 West Railroad Avenue, Odessa, Washington, and Lincoln County Parcels 0500-000-010000 and 0501-000-000000.
10. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, building debris and asbestos-containing material.
11. The term "business activities" shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on March 1, 2018.

Keith Bailey
Signature of Declarant

KEITH BAILEY
Type or Print Name

General Manager
Title of Declarant

Mailing Address of Declarant:

2 North Division Street
Odessa, WA 99159